

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application )

of )

WAI'OLA O MOLOKA'I, INC. )

For review and approval of rate )  
increases; revised rate schedules; and )  
revised rules. )

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) Docket No. 2009-0049

PUBLIC UTILITIES  
COMMISSION

2009 NOV 25 P 3:19

FILED

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES  
TO COUNTY OF MAUI'S INFORMATION REQUESTS**

and

**CERTIFICATE OF SERVICE**

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**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-1:** Corporate documents, including articles of incorporation, by-laws, and any amendments to same.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-2:** Minutes of all shareholder meetings from January 2000 to the present.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-3:** Minutes of all board of directors meetings from January 2000 to the present.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-4:** Corporate records reflecting the issuance of stock certificates to any person or entity, the dates of issue, the consideration paid or promised for the stock, and the date(s) on which the consideration was paid or promised.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-5:** Financials, including WOM's audited financial statements. If none exist, then provide all unaudited financials for the period January 2000 to the present.

**RESPONSE:** WOM's audited financial statements for fiscal year ended 2008 is attached to WOM's Amended Application filed on June 29, 2009 as Exhibit WOM2, Schedule 4, and is incorporated herein by reference. Given that WOM is a small utility and its results are reported on a consolidated basis, WOM has no other audited financial statements. WOM objects to the production of unaudited financial statements for the rest of the period requested by the County on the basis that such request is overbroad in nature and is irrelevant in the context of this rate case.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-6:** For each bank account maintained in the name of WOM, a copy of all monthly statements for the period January 2000 to the present.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien



**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
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**DOCKET NO. 2009-0049**

**County-IR-7:** State and federal tax returns for the January 2000 to the present.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding. Notwithstanding the foregoing and without waiving any right or objection thereto, please refer to WOM's response to CA-IR-8a.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-8:** All documents evidencing loans or any transfers among or between WOM and any one or more of the following entities for the period January 2000 to the present:

- a. Moloka'i Properties, Ltd. ("MPL")

**RESPONSE:** There are no documents evidencing loans among or between WOM and MPL. Transactions between the affiliated companies are conducted through an intercompany account which reflect the net due from affiliate or due to affiliate as appropriate would be reflected in WOM's general ledger and on its financial statements.

- b. Moloka'i Public Utilities, Inc. ("MPU")

**RESPONSE:** There are no documents evidencing loans among or between WOM and MPU. Transactions between the affiliated companies are conducted through an intercompany account which reflect the net due from affiliate or due to affiliate as appropriate would be reflected in WOM's general ledger and on its financial statements.

- c. Mosco, Inc. ("Mosco")

**RESPONSE:** There are no documents evidencing loans among or between WOM and Mosco. Transactions between the affiliated companies are conducted through an intercompany account which reflect the net due from affiliate or due to affiliate as appropriate would be reflected in WOM's general ledger and on its financial statements.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

County-IR-9: All documents evidencing leases, purchases, sales, assignments, or transfers of land or other assets among or between WOM and any one or more of the following:

a. MPL

**RESPONSE:** Except for the Lease Agreement discussed in the Company's response to CA-IR-14a, the Company is not aware of any leases, purchases, sales, assignments or transfers of land or other assets among or between WOM and MPL or the other affiliates, other than normal transactions for activities in the normal course of business such as regulated water sales where MPL or the affiliates are customers of WOM or where WOM obtains treated water from MPU. Other than the tariff approved by the Commission, the Company is not aware of any signed documents for those services.

b. MPU

**RESPONSE:** See response to part a, above.

c. Mosco

**RESPONSE:** See response to part a, above.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-10:** All documents evidencing loans, notes payable, or loans guaranteed by MPL for the benefit of WOM for the period January 2000 to the present.

**RESPONSE:** Please refer to Exhibit WOM 2, Schedule 6 of the Amended Application in which WOM indicates that it has "no promissory notes, bonds, or other indebtedness."

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-11:** All documents reflecting the assets of WOM and the identity of all people or entities who exercise control over WOM's assets.

**RESPONSE:** WOM objects to this information request on the basis that it is vague and ambiguous. Without waiving any right or objection thereto, please refer to Exhibit WOM 9.2 attached to WOM's Amended Application for a listing of WOM's plant in service.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-12:** All submissions concerning water and wastewater by WOM to any government authority, including the State of Hawaii, the Public Utilities Commission, and/or the County of Maui for the period January 2000 to the present.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is vague, ambiguous and overbroad. For example, WOM is not in the wastewater business, so the relevancy of the question concerning wastewater is questionable. Moreover, without more specificity to the County's request, WOM would also object on the basis that the information may not be relevant to the issues set forth in the Procedural Order approved by the Commission on November 6, 2009.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-13:** All corporate organization charts and/or other documents reflecting employees of WOM and their responsibilities.

**RESPONSE:** See Confidential Attachment CA-IR-25a(1), filed under and subject to the Amended Protective Order issued in this docket on November \_\_\_\_, 2009.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-14:** All contracts, agreements, or other arrangements by and between WOM and any one or more of the following for the period January 2000 to the present:

a. MPL

**RESPONSE:** See response to County-IR-9a.

b. MPU

**RESPONSE:** See response to County-IR-9a.

c. Mosco

**RESPONSE:** See response to County-IR-9a.

**SPONSOR:** Robert O'Brien



**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-15:** Customer lists for the period January 1, 2007 to the present.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-16:** Invoices for utility services to customers for the period  
January 1, 2007 to the present.

**RESPONSE:** The Company is working to accumulate the data to provide the  
information requested, but will not be able to provide a response until  
the week of November 30, 2009.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-17:** All documents evidencing payments made by MPL for utility services provided by MPL to WOM.

**RESPONSE:** The Company does not maintain its records so it can determine which utility customers are owned by or associated with MPL and therefore cannot provide the information required without a customer by customer review of the customer records and then another review of the billing records which would be unduly burdensome.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-18:** All documents evidencing charges for utility services provided to MPL  
by WOM that were not paid.

**RESPONSE:** The Company is not aware of any utility services provided to MPL that  
have not been billed and paid for by MPL to WOM.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS**

**DOCKET NO. 2009-0049**

**County-IR-19:** All documents demonstrating efforts since May 27, 2008 to obtain a Water Use Permit for Well 17 from the Commission on Water Resource Management.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009.

**SPONSOR:** Robert O'Brien

**WAI'OLA O MOLOKA'I, INC.'S RESPONSES TO  
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**DOCKET NO. 2009-0049**

**County-IR-20:** All documents demonstrating efforts since April 9, 2008 to obtain an environmental assessment or environmental impact statement for the use of excess space in the Molokai Irrigation System transmission pipeline.

**RESPONSE:** WOM objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009.

**SPONSOR:** Robert O'Brien

CERTIFICATE OF SERVICE

I (we) hereby certify that copies of the foregoing document were duly served on the following parties, by having said copies delivered as set forth below:

MS. CATHERINE P. AWAKUNI  
Executive Director  
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Division of Consumer Advocacy  
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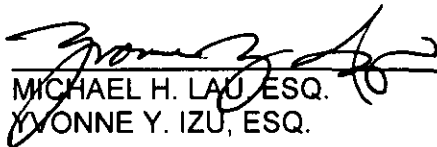
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DATED: Honolulu, Hawai'i, November 25, 2009.

  
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